

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMUEL B JOHNSON III,

No. C 07-05756 SI

Plaintiff,

**ORDER OVERRULING PLAINTIFF'S
OBJECTIONS TO PRETRIAL
DISCOVERY ORDER [Docket No. 157]**

v.

CHEVRON CORPORATION, *et al.*,

Defendants.

On October 6, 2008, plaintiff submitted objections to Magistrate Judge Joseph Spero's October 1, 2008 order denying plaintiff's motion to quash. [Docket No. 157] For the reasons discussed below, plaintiff's objections are OVERRULED.

On August 26, 2008, plaintiff filed a letter brief requesting that defendants' subpoena of records from the California Health and Human Services Agency (Department of Social Services), the Office of the Attorney General, Dr. Lorin Frank, and Kaiser Permanente Hospital be quashed. [Docket No. 128] Plaintiff excerpted the following from defendant Chevron's subpoena:

All written or recorded records/documents and records, notes, reports, correspondence, photographs, videotapes or sign-in sheets relating to any social services, educational services, developmental services, health services, counseling, consultations, sessions, examination, evaluations, findings, treatments, diagnosis, prognosis provided or related to [plaintiff's two minor children].


See Plaintiff's August 26, 2008 Letter Brief, at ex. H. Plaintiff argued, *inter alia*, that California law precluded the release of sealed adoption records relating to his minor children without a court order from Sacramento County Superior Court. Defendant responded that it did not seek production of any

1 adoption records.¹ [Docket No. 130] On September 18, 2008, Judge Spero denied in part plaintiff's
2 motion to quash but requested further briefing from defendant on whether production would violate
3 HIPPA and the California Health and Institutions Code. [Docket No. 145] On October 1, Judge Spero
4 found that disclosure was permissible so long as the required authorizations were executed, and ordered
5 plaintiff to execute the relevant authorizations. [Docket No. 155] Plaintiff now objects to Judge Spero's
6 October 1 ruling.

7 Plaintiff repeats his earlier arguments that the Sacramento County Superior Court has exclusive
8 jurisdiction to unseal the relevant records and that California law prevents any court from releasing any
9 such records. Plaintiff's arguments fail because defendant does not seek adoption records. On August
10 22, 2008, the Department of Social Services advised defendant that it could not comply with the
11 subpoena unless authorized to do so by the person who is the subject of the records. *See* Def. Letter
12 Brief, at ex. A. [Docket 150] The Department of Social Services provided the requisite release form,
13 which Judge Spero ordered defendant to execute. Plaintiff cannot evade a court order by raising the
14 same arguments in this Court that were already given thorough consideration by Judge Spero.
15 Accordingly, plaintiff is ordered to comply with Judge Spero's October 1 ruling. If plaintiff fails to
16 comply by **November 21, 2008**, he will be precluded from seeking damages relating to his children.

17
18 **IT IS SO ORDERED.**

19
20 Dated: 11/17/08

21 
22 _____
23 SUSAN ILLSTON
24 United States District Judge
25

26 _____
27 ¹ Defendant also argued that the records are relevant because plaintiff had put his minor
28 children's education, social skills, behavior problems and mental conditions at issue by seeking \$3.5
million for their emotional, developmental, social and behavioral decline. Defendant therefore seeks
to determine whether the children's purported problems existed before plaintiff was employed by
defendant.